

Notice of Allowability

Application No.

09/545,806

Examiner

Quang N. Nguyen

Applicant(s)

LI ET AL.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the Amendment and Reply filed on 08/16/2004*.
2. ☒ The allowed claim(s) is/are 2-7 and 17-22.
3. ☒ The drawings filed on 28 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Examiner's Amendment

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. David A. Blumenthal on Friday, 09/24/2004.

3. Claim 20 changes to:

20. ([Withdrawn] Original) A method for Web content fetch and delivery as recited in claim 19, wherein for each partial or whole object whose delivery is suspended while smaller objects are being delivered, the method further includes the steps of:

assigning a priority value to each suspended partial or whole object computed as a waiting time of the object divided by the size of the object; and

scheduling the delivery of suspended objects in descending order of priority value.

4. Claim 21 changes to:

21. (Original) A method for Web content fetch and delivery, wherein if a user receives a plurality of objects for delivery, the method comprises the step of scheduling the delivery of any whole [or] and partial undelivered objects in ascending order of object size.

5. Pursuant to MPEP 606.01, the title has been changed to read:

-- SYSTEM AND METHOD FOR INTELLIGENT WEB CONTENT FETCH AND
DELIVERY OF ANY WHOLE AND PARTIAL UNDELIVERED OBJECTS IN
ASCENDING ORDER OF OBJECT SIZE --

6. Claims 2-7 and 17-22 are allowed.

7. The following is an Examiner's Statement of Reasons for Allowance:

In interpreting the claims, in light of the specification and the applicant's arguments filed on 08/16/2004, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

Kanemitsu teaches the invention substantially as claimed. Kanemitsu teaches an information transmission system and method for preventing a client from getting an impression that they are being kept waiting for a response, even when the response contains a large amount of data, by forming a data group for each data type and the amount of data for each data group is calculated (see Kanemitsu, Abstract). Kanemitsu

teaches the transmission order is determined by arranging the data groups and data in each group in an ascending order of data amount from the smallest to the largest (see Kanemitsu, C4:L58 – C5:L19).

However, the prior art of record fails to teach or suggest individually or in combination a system and method having a server configured to deliver a plurality of objects, wherein if a second request ***from a second requestor*** for one or more objects is ***received prior (or during) the delivery of one or more objects from the first request***, the server is programmed for ***scheduling the delivery of the objects in the a second request and undelivered objects in a first request in ascending order of object size***.

The Examiner finds the Applicant's arguments to be persuasive. The Applicant argued in substance that the prior art of record fails to teach a system and method, wherein "if a second request *from a second requestor* for one or more objects is *received prior (or during) the delivery of one or more objects from the first request*, the server is programmed for *scheduling the delivery of the objects in the a second request and undelivered objects in a first request in ascending order of object size*" as in independent claims 2, 4, 17 and 19 (see Remarks, pages 8-10).

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Examiner's Amendment."

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quang N. Nguyen
Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER